## REMARKS/ARGUMENTS

This Amendment is submitted in reply to the Office Action dated February 14, 2006, and within the three-month period for reply extending to May 14, 2006. Claims 1, 9, and 14 are currently amended. Claim 13 is cancelled. Claims 1-12 and 14-25 remain pending in the application.

### Allowable Subject Matter

The Applicant acknowledges the Office's indication that claims 13-16 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant also acknowledges the Office's indication that claims 2, 3, and 17-25 are allowed.

### Rejections under 35 U.S.C. 102

Claims 1 and 4-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Feintuch et al. ("Feintuch" hereafter) (U.S. Patent Application Publication No. US 2005/0058021 A1). These rejections are traversed.

Feintuch teaches a system for detecting and determining the location of persons and objects using ultrasonic acoustic sensors. The system of Feintuch includes a number of transmitters defined to transmit acoustic signals through a monitoring area. The system of Feintuch also includes a number of receivers for receiving reflections of the transmitted acoustic signals from the monitoring area. Feintuch teaches that the received reflective signals are processed to identify reflections that bounce off of persons or objects (i.e., targets) in the monitoring area. The identified reflections from targets in the

monitoring area can be used to determine when unauthorized persons or objects are present within the monitoring area.

It should be appreciated that in the system of Feintuch the targets within the monitoring area act as the sources of the reflected signals that are actually received by the receivers. It should also be understood that the transmitters within the system of Feintuch are not the sources of the reflected signals that are actually received by the receivers. Additionally, it should be noted that the system of Feintuch is defined to identify the presence and location of targets within the monitoring area. The system of Feintuch is not defined to identify the location of the transmitters. Moreover, for the system of Feintuch to work properly, the location of the transmitters must already be known.

With regard to claim 1, the identifiable acoustic signal is transmitted from a transmitter device that is actually located on a source whose physical location is to be identified through processing of the identifiable acoustic signals having been transmitted from the transmitter device. Therefore, the method of claim 1 is directed to processing acoustic signals transmitted from a transmitter device such that a physical location of the transmitting device can be identified. Because the transmitting device is defined on the source, the identified physical location of the transmitting device corresponds to the physical location of the source, which is reported over a network.

In contrast to claim 1, the system of Feintuch is not defined to identify the location of a source upon which the transmitter is defined. Rather, the system of Feintuch is defined to identify targets based on reflective acoustic signals that were transmitted from a transmitter of already known location. For the system of Feintuch to work properly, it is necessary to know the location of the transmitter. In contrast to Feintuch, the method of claim 1 is concerned with identifying the location of the source by identifying the unknown location of the transmitting device (i.e., the point of origin of the acoustic

signals). In accordance with the above discussion, it should be appreciated that Feintuch does not teach each and every feature of claim 1.

Notwithstanding the foregoing, claim 1 has been amended to clarify that the transmitting device is defined on a source within a data center. Additionally, claim 1 has been amended to recite a method for monitoring a data center. The Applicant submits that monitoring of a data center, wherein an acoustic signal transmitting device is defined on a source within the data center, is neither taught nor suggested by the cited art of record.

In view of the foregoing, the Applicant submits that Feintuch fails to teach each and every feature of amended claim 1, as required for anticipation under 35 U.S.C. 102. Additionally, because they incorporate each and every feature of claim 1 from which they depend, each of dependent claims 4-8 is patentable for at least the same reasons discussed above for claim 1.

Claim 9 has been amended to incorporate the features of claim 13, which the Office has indicated as being allowable. More specifically, amended claim 9 clarifies that the acoustic environment is a data center. Due to its incorporation into claim 9, claim 13 has been cancelled. Also, claim 14 has been amended to depend from claim 9, rather than from claim 13.

In view of the foregoing, the Applicant submits that Feintuch fails to teach each and every feature of amended claim 9, as required for anticipation under 35 U.S.C. 102. Additionally, because they incorporate each and every feature of claim 9 from which they depend, each of dependent claims 10-16 is patentable for at least the same reasons discussed above for claim 9.

In view of the foregoing, the Applicant respectfully requests the Office to withdraw the rejections of claims 1 and 4-12. Also, the Applicant respectfully submits that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP242). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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